

May 13, 2008



APPELLATE BRIEF

First Circuit affirms sentence, restitution order imposed on bogus doctor who sold fake treatments

The U.S. Court of Appeals for the First Circuit has affirmed a 150-month sentence imposed on **John E. Curran**, a natural healer who posed as a physician and used misleading diagnostic techniques to sell bogus treatment plans. The Court held that U.S. District Court Judge Mary M. Lisi appropriately calculated the prison sentence and a \$1.4 million restitution order that she also imposed.

A jury convicted Curran in 2006 of fraud and money laundering, finding that he sold



A Spectra Color Spa Machine, which Curran claimed could help kill parasites. Agents seized it from his office.

clients treatments and products after falsely diagnosing a variety of ailments. His fraudulent diagnoses included parasites in the blood, damaged immune systems, and reduced blood cell counts. His treatments included what he called the “Green Drink,” and “E-water.” He claimed to have formulated the Green Drink as a healing compound, but it was actually a commercially available die-

tary supplement that he bought in bulk. E-water, which he claimed had the same healing powers as the water at Lourdes, France, was distilled water that Curran had run through a blender.

“This is a welcome affirmation of strong prosecutorial work and excellent argument on appeal by the government,” United States Attorney Robert Clark Corrente said. “As Judge Lisi said at sentencing, and as the Court noted in its opinion, this defendant was a ‘menace,’ who took advantage of his patients’ worst fears, and ‘preyed’ upon them in a ‘scam of the worst kind.’ He is where he belongs – where he can’t prey on any more vulnerable victims with his quackery.”

Court spurns challenge to loss, number of victims

Curran did not appeal the conviction – but did appeal the sentence that Judge Lisi imposed. Curran challenged the number of victims, the amount of loss that they had incurred, and the amount of restitution ordered. He claimed that there had actually been some satisfied customers, so not all of them should have been considered victims, which Judge Lisi had done when fashioning the sentence.

The First Circuit, however, noted an argument raised by Assistant U.S. Attorney Donald



Dubious diplomas were displayed
at Curran's office

C. Lockhart in the government's brief opposing the appeal: because Curran had falsely posed as a licensed professional – a medical doctor – federal guidelines required that the loss include all payments for goods or services, with no credit for any value at all. In other words, because Curran posed as a doctor, every cent he charged his customers is considered a loss to victims and should be considered in imposing sentence. In its opinion, the Court wrote, "Curran's actions and services were all part and parcel of his 'scam' designed to scare the clients into spending money."

More than 300 clients paid Curran about \$1.4 million in 2003 and 2004. That included \$950 fees for "full body assessments," and, in some instances, \$10,000 for treatment programs. Curran must repay those victims, either while he is in prison, or after he is released, which the Bureau of Prisons estimates will occur sometime in 2017.

Assistant U.S. Attorney Lockhart argued the case on appeal. Assistant U.S. Attorney Luis M. Matos prosecuted the case at trial in U.S. District Court. The investigation into Curran's activities was a joint effort of the U.S. Food and Drug Administration, Office of Criminal Investigation, the Internal Revenue Service, Criminal Investigation, the U.S. Postal Inspection Service, the FDA Task Force and the Rhode Island Department of Health.

Read the opinion at the [First Circuit Web site](#).